

TO: The Honorable Board of Supervisors

FROM: B. Clayton Goodman, III, County Administrator
L. Carol Edmonds, Assistant County Administrator

DATE: February 9, 2009

SUBJECT: AGENDA REPORT

I. CALL TO ORDER

II. INTO CLOSED MEETING

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

Section 2.2-3711

- (1) Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body
 1. BZA
 2. Community Corrections and Pre-Trial Services
 3. CPMT(Parent Representative)
 4. Office on Youth Advisory Board
 5. Planning Commission
 6. Transportation Safety Commission
 7. Personnel

III. OUT OF CLOSED MEETING

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

IV. CERTIFICATION OF CLOSED MEETING

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

NAYS

ABSENT DURING VOTE

ABSENT DURING MEETING

V. INVOCATION

VI. PLEDGE OF ALLEGIANCE

VII. DELEGATIONS

**A. SUBJECT: VIRGINIA DEPARTMENT OF
TRANSPORTATION**

Virginia Department of Transportation

David Clarke, VDOT Residency Administrator, will update the Board of Supervisors on road issues/concerns in Montgomery County.

B. SUBJECT:

**PRESENTATION – SCHOOL BOARD
BUDGET FOR FY 2009-2010**

Presentation of Montgomery County School Board Budget for FY 2009-2010

Wendell Jones, Chair-School Board, will present the Montgomery County School Board's budget for FY 2009-2010.

VIII. PUBLIC ADDRESS

IX. ADDENDUM

X. CONSENT AGENDA

XI. OLD BUSINESS

A. SUBJECT:

SPECIAL USE PERMIT- RICHARD A. ROSE

R-FY-09-

SPECIAL USE PERMIT

RICHARD A. ROSE

**FOR THE PURPOSE OF ALLOWING A MANUFACTURED HOME,
CLASS A (DOUBLEWIDE) IN A RESIDENTIAL (R-3) ZONING DISTRICT
IN THE RINER MAGISTERIAL DISTRICT (DISTRICT D)
PARCEL ID 100531; TAX MAP NUMBER 090-1BK-B-12E**

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia a request by Richard A. Rose for a Special Use Permit (SUP) on approximately 0.234 acres in a Residential (R-3) zoning district to allow a Manufactured Home, Class A (doublewide) is found to be consistent with the County's Comprehensive Plan and is hereby approved with the following conditions:

1. No class B (singlewide manufactured home) structures shall be permitted.
2. The existing accessory structure located on the property shall be removed, or relocated to meet setback requirements.
3. No business use of the property shall be permitted, other than a home occupation as permitted by right.
4. No exterior storage of unlicensed vehicles or construction materials shall be permitted on the property.

The property is located at 3824 Truman Ave., and is identified as Tax Parcel No(s) 090-1BK-B-12E (Acct No. 100531), in the Riner Magisterial District (District D). The property currently lies in an area designated as High Density Residential in Plum Creek Village in the Comprehensive Plan.

JUSTIFICATION: At their regular meeting on January 14, 2009, the Planning Commission recommended approval to the Board of Supervisors. See TAB **D.**

**B. SUBJECT: FUTURE LAND USE MAP AMENDMENT
ELLISTON/LAFAYETTE VILLAGE PLAN**

**R-FY-09-
AMENDMENT TO THE 2025 MONTGOMERY COUNTY COMPREHENSIVE
PLAN BY ADOPTING A NEW FUTURE LAND USE MAP FOR THE ELLISTON
& LAFAYETTE VILLAGE PLAN**

WHEREAS, The Board of Supervisors of Montgomery County, Virginia identified and adopted the Village of Elliston-Lafayette Plan and Village Land Use Map, dated June 25, 2007 as part of the 2025 Montgomery County Comprehensive Plan; and

WHEREAS, The Montgomery County Planning Commission held a public hearing on January 10, 2009 to gather comments concerning the adoption of a new Future Land Use Map for the Village of Elliston-Lafayette to replace the existing Land Use Map that depicts the land uses that were adopted for the Village of Elliston and Lafayette; and

WHEREAS, The Planning Commission unanimously found that the new proposed Elliston-Lafayette Village Plan Land Use Map complies with the requirements of Section PLU 1.1.1 Policy Area Designations of the Comprehensive Plan and recommended approval of the new Future Land Use Map; and

WHEREAS, The Board of Supervisors held a public hearing on January 26, 2009 to gather comments concerning the new proposed Future Land Use Map for the Village of Elliston-Lafayette; and

WHEREAS, The Montgomery County Board of Supervisors hereby finds that the new proposed Elliston-Lafayette Village Plan Land Use Map meets the requirements of Section PLU 1.1.1 Policy Area Designations of the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED, That the new Village of Elliston-Lafayette Future Land Use Map and the designations shown on the New Future Land Use Map dated January 14, 2009 are hereby approved and made a part of the 2025 Montgomery County Comprehensive Plan replacing the prior Land Use Map for the Village adopted June 25, 2007.

JUSTIFICATION: At a Regular Meeting on January 10, 2009 the Planning Commission found the Comprehensive Plan amendments in conformance with PLU 1.1.1 and recommended approval to the Board of Supervisors.

**C. SUBJECT: FUTURE LAND USE MAP AMENDMENT
PRICES FORK VILLAGE PLAN**

**R-FY-09
AMENDMENT TO THE 2025 MONTGOMERY COUNTY COMPREHENSIVE
PLAN BY ADOPTING A NEW FUTURE LAND USE MAP
FOR THE PRICES FORK VILLAGE PLAN**

WHEREAS, The Board of Supervisors of Montgomery County, Virginia identified and adopted the Village of Prices Fork Plan on November 16, 2005 as part of the 2025 Comprehensive Plan; and

WHEREAS, The Montgomery County Planning Commission held a public hearing on January 10, 2009 to gather comments concerning proposed amendments to the Future Land Use Map; and

WHEREAS, The Planning Commission unanimously found that the proposed amendments to the Prices Fork Village Plan Land Use Map comply with the requirements of Section PLU 1.1.1 Policy Area Designations of the Comprehensive Plan and recommended approval of the new Future Land Use Map; and

WHEREAS, The Board of Supervisors held a public hearing on January 26, 2009 to gather comments concerning the proposed amendments to the Future Land Use Map dated January 14, 2009; and

WHEREAS, The Montgomery County Board of Supervisors hereby finds that the proposed Prices Fork Village Plan Future Land Use Map meets the requirements of Section PLU 1.1.1 Policy Area Designations of the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED, that the Village of Prices Fork Future Land Use Map designations are hereby adopted as shown on the New Future Land Use Map dated January 14, 2009.

JUSTIFICATION: At a Regular Meeting on January 10, 2009 the Planning Commission found the Comprehensive Plan amendments in conformance with PLU 1.1.1 and recommended approval to the Board of Supervisors.

**D. SUBJECT: FUTURE LAND USE MAP AMENDMENT
RINER PLAN**

**R-FY-09-
AMENDMENT TO THE 2025 MONTGOMERY COUNTY COMPREHENSIVE
PLAN BY ADOPTING A NEW FUTURE LAND USE MAP
FOR THE RINER VILLAGE PLAN**

WHEREAS, The Board of Supervisors of Montgomery County, Virginia identified and adopted the Village of Riner Plan on June 25, 2007 as part of the 2025 Comprehensive Plan; and

WHEREAS, The Montgomery County Planning Commission held a public hearing on January 10, 2009 to gather comments concerning proposed amendments to the Future Land Use Map; and

WHEREAS, The Planning Commission unanimously found that the proposed amendments to the Riner Village Plan Land Use Map comply with the requirements of Section PLU 1.1.1 Policy Area Designations of the Comprehensive Plan and recommended approval of the new Future Land Use Map; and

WHEREAS, The Board of Supervisors held a public hearing on January 26, 2009 to gather comments concerning the proposed amendments to the Future Land Use Map dated January 14, 2009; and

WHEREAS, The Montgomery County Board of Supervisors hereby finds that the proposed Riner Village Plan Future Land Use Map meets the requirements of Section PLU 1.1.1 Policy Area Designations of the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED, That the Village of Riner Future Land Use Map designations are hereby adopted as shown on the New Future Land Use Map dated January 14, 2009.

JUSTIFICATION: At a Regular Meeting on January 10, 2009 the Planning Commission found the Comprehensive Plan amendments in conformance with PLU 1.1.1 and recommended approval to the Board of Supervisors.

E. SUBJECT: ORDINANCE AMENDING CHAPTER 10, ENTITLED ZONING

**ORD-FY-09-
AN ORDINANCE AMENDING CHAPTER 10 ENTITLED ZONING,
SECTION 10-21, AGRICULTURE DISTRICT (A-1),
SECTION 10-24, RESIDENTIAL DISTRICT (R-1),
SECTION 10-25, RESIDENTIAL DISTRICT (R-2),
SECTION 10-26, RESIDENTIAL DISTRICT (R-3) AND
SECTION 10-27 MULTIPLE FAMILY RESIDENTIAL DISTRICT (RM-1)
SECTION 10-28 GENERAL BUSINESS (GB)
SECTION 10-29 COMMUNITY BUSINESS (CB)
RESPECTIVELY OF THE CODE OF THE COUNTY OF MONTGOMERY VIRGINIA,
BY ADDING BOARDING HOUSE AND TRANSITION HOUSE AS USES PERMITTED
WITH A SPECIAL USE PERMIT IN THE AGRICULTURE DISTRICT (A-1),
RESIDENTIAL DISTRICT (R-1), RESIDENTIAL DISTRICT (R-2), RESIDENTIAL
DISTRICT (R-3), MULTIPLE FAMILY RESIDENTIAL DISTRICT (RM-1), GENERAL
BUSINESS (GB) AND THE COMMUNITY BUSINESS (CB) DISTRICT
AND BY ADDING A CONTRACTORS SERVICE ESTABLISHMENT AS USES
PERMITTED WITH A SPECIAL USE PERMIT IN THE GENERAL BUSINESS (GB)
AND THE COMMUNITY BUSINESS (CB) DISTRICT AND BY REMOVING GROUP
HOME AS A PERMITTED USE WITH A SPECIAL USE PERMIT IN SECTION 10-
27,MULTIPLE-FAMILY RESIDENTIAL (RM-1) DISTRICT**

See TAB E for a copy of the Ordinance.

ISSUE/PURPOSE At their regular meeting on January 14, 2009, the Planning Commission recommended approval to the Board of Supervisors. See TAB E.

F. SUBJECT:

**ORDINANCE AMENDING CHAPTER 10,
ENTITLED ZONING, SECTION 10-35**

ORD-FY-09-

**AN ORDINANCE AMENDING CHAPTER 10 ENTITLED ZONING,
SECTION 10-35 PUD-RES PLANNED UNIT DEVELOPMENT-RESIDENTIAL
DISTRICT OF THE CODE OF THE COUNTY OF MONTGOMERY VIRGINIA, BY
REMOVING GROUP HOME AS A PERMITTED USE WITH A SPECIAL USE
PERMIT IN THE PUD-RES PLANNED UNIT DEVELOPMENT-RESIDENTIAL
DISTRICT**

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia, that Chapter 10, entitled Zoning, Section 10-35 (3) of the Code of the County of Montgomery, Virginia, shall be amended and reordained as follows:

Sec. 10-35. PUD-RES Planned Unit Development-Residential district.

(3) *Uses permitted by right.* The following uses are permitted by right, subject to compliance with all approved plans and permits, development standards and performance standards contained in this chapter:

- (a) Cemetery.
- (b) Church.
- (c) Civic club.
- (d) Conference or training center.
- (e) Congregate care facility.
- (f) Convenience store, without motor fuel sales.
- (g) Day care center.
- (h) Dwelling, multifamily (apartment).
- (i) Dwelling, single-family.
- (j) Dwelling, single-family attached (townhouse).
- (k) Dwelling, two-family (duplex).
- (l) Financial services.
- (m) Fire, police and rescue station.
- (n) Funeral home.
- (o) Golf course.
- ~~(p) Group home.~~
- (p) ~~(q)~~ Home occupation (new).
- (q) ~~(r)~~ Library.
- (r) ~~(s)~~ Medical care facility.
- (s) ~~(t)~~ Mobile home, Class A.
- (t) ~~(u)~~ Nursing home.
- (u) ~~(v)~~ Office, administrative, business or professional.
- (v) ~~(w)~~ Park, lighted or unlighted.
- (w) ~~(x)~~ Pet, household.

- (x) ~~(y)~~ Playground, lighted or unlighted.
- (y) ~~(z)~~ Post office.
- (z) ~~(aa)~~ Public facility.
- (aa) ~~(bb)~~ Public utility lines, other.
- (bb) ~~(cc)~~ Public utility lines, water or sewer.
- (cc) ~~(dd)~~ Recreation establishment.
- (dd) ~~(ee)~~ Recycling collection point.
- (ee) ~~(ff)~~ Restaurant with gross floor area of less than two thousand (2,000) square feet.
- (ff) ~~(gg)~~ Retail sales and services.
- (gg) ~~(hh)~~ School.
- (hh) ~~(ii)~~ Senior living facility.
- (ii) ~~(jj)~~ Telecommunication tower, attached.

ISSUE/PURPOSE

At their regular meeting on January 14, 2009, the Planning Commission recommended approval to the Board of Supervisors. See TAB F.

G. SUBJECT:

**ORDINANCE AMENDING CHAPTER 10,
ENTITLED ZONING, SECTION 10-35**

ORD-FY-09-

**AN ORDINANCE AMENDING CHAPTER 10 ENTITLED ZONING,
SECTION 10-35 PUD-RES PLANNED UNIT DEVELOPMENT-RESIDENTIAL
DISTRICT OF THE CODE OF THE COUNTY OF MONTGOMERY VIRGINIA,
BY REDUCING THE MINIMUM REQUIRED ACREAGE TO QUALIFY FOR
INCLUSION IN THE PUD-RES PLANNED UNIT DEVELOPMENT RESIDENTIAL
DISTRICT FROM FIFTY (50) ACRES TO TEN (10) ACRES FOR LANDS
DESIGNATED IN THE COMPREHENSIVE PLAN AS URBAN EXPANSION AREA
AND FROM TWENTY (20) ACRES TO FIVE (5) ACRES FOR LANDS DESIGNATED
IN THE COMPREHENSIVE PLAN AS VILLAGE OR VILLAGE EXPANSION AREA**

BE IT ORDAINED, by the Board of Supervisors of the County of Montgomery, Virginia, that Chapter 10, entitled Zoning, Section 10-35 (2) of the Code of the County of Montgomery, Virginia, shall be amended and reordained as follows:

Sec. 10-35. PUD-RES Planned Unit Development-Residential district.

(2) *Qualifying lands.* Lands qualifying for inclusion in the district shall be PUD-RES on the date of passage of this chapter, or other lands within areas mapped as village, village expansion or urban expansion in the comprehensive plan which are served by or planned for connections to public sewer and water. The minimum

area required to create a district shall be ~~fifty (50)~~ **ten (10)** net acres of total contiguous land in the urban expansion area and ~~twenty (20)~~ **five (5)** net acres in the village or village expansion area.

ISSUE/PURPOSE

At their regular meeting on December 10, 2008, the Planning Commission recommended approval to the Board of Supervisors.

H. SUBJECT:

**ORDINANCE AMENDING CHAPTER 10
ENTITLED ZONING, SECTION 10-61
DEFINITIONS**

**ORD-FY-09-
AN ORDINANCE AMENDING CHAPTER 10
ENTITLED ZONING, SECTION 10-61
OF THE CODE OF THE COUNTY OF MONTGOMERY VIRGINIA,
BY AMENDING THE DEFINITION OF HOME BUSINESS AND
HOME OCCUPATION BY ALLOWING THE HOME BUSINESS AND
HOME OCCUPATION ACTIVITY IN AN ACCESSORY STRUCTURE AND
BY ADDING BOARDING HOUSE AND TRANSITION HOUSE
TO THE LIST OF WORDS AND PHRASES DEFINED
IN THE ZONING ORDINANCE**

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia, that Chapter 10, entitled Zoning, Section 10-61 of the Code of the County of Montgomery, Virginia, shall be amended and reordained by adding Boarding House and Transition House to the list of words and phrases defined in the Zoning Ordinance and by amending the definition for Home Business and Home Occupation as follows:

Sec. 10-61. Definitions.

Boarding House-A dwelling, or part thereof, with 3 or more rooms that are rented individually or collectively by long-term residents (at least month-by-month tenants) as opposed to overnight or weekly guest. A boarding house may make provisions for serving meals. See **“Family.”**

Family-One (1) or more persons occupying a premises and living in a single dwelling unit, as distinguished from an unrelated group occupying a boardinghouse, tourist home or hotel. One (1) or more persons related by blood, marriage, adoption or guardianship, including servants, caregivers, and no more than two (2) roomers or boarders; or a group of not more than four (4) unrelated

persons; or up to eight (8) mentally or developmentally disabled persons living in a residential group home facility. See “Boarding House” and “Group Home.”

Group Home-A dwelling shared by no more than eight (8) psychologically disordered, mentally or developmentally disabled persons, including resident staff, who live together as a single housekeeping unit, and shall for the purposes of this ordinance be considered a residential single family. Psychological disorders and developmentally challenged shall not include current illegal use of or addiction to a controlled substance as defined in section 54.1-3401 of the Code of Virginia. See “Family” and “Boarding House.”

Home Business-A business activity carried on by the resident(s) of a dwelling and up to two (2) nonresident employees, as a clearly incidental and subordinate use of the residential dwelling, in which the on-site business activity is conducted wholly within the dwelling or accessory structure, with no exterior impacts such as traffic, parking demand, noise, vibration, glare, odors or electrical interference, and the residential appearance of the dwelling and the character of the neighborhood is maintained.

Home Occupation-A business activity carried on solely by the resident(s) of a dwelling, as a clearly incidental and subordinate use of the residential dwelling or accessory ~~dwelling~~ structure, in which the on-site business activity generates no exterior impacts such as traffic, parking demand, noise, vibration, glare, odors or electrical interference, and the residential appearance of the dwelling and the character of the neighborhood is maintained.

Transition House-An establishment providing accommodations, rehabilitation, counseling, and supervision of up to six (6) persons suffering from alcohol or drug addiction or similar disorders, and/or to persons re-entering society after being released from a correctional facility or other institution, enabling them to live independent

ISSUE/PURPOSE

At their regular meeting on January 14, 2009, the Planning Commission recommended approval to the Board of Supervisors. See TAB G.

XII. NEW BUSINESS

A. SUBJECT: PUBLIC SERVICE AUTHORITY

A-FY-09- PUBLIC SERVICE AUTHORITY SUPPLEMENTAL APPROPRIATION

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2009, for the function and in the amount as follows:

890	Transfer to the PSA	\$30,000
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>	
413306	Boundary Adjustment Fee
	\$30,000

Said resolution appropriates fees collected from the loss of utility service from the Maple Ridge Subdivision due to a boundary line adjustment with the Town of Blacksburg.

Upon receipt of additional fees from the Maple Ridge Boundary Adjustment, the County Administrator shall place a resolution for the Board's consideration appropriating that money to the PSA.

ISSUE/PURPOSE: Appropriate boundary adjustment fees collected from the Maple Ridge Subdivision to the PSA

JUSTIFICATION: The County entered into an agreement whereby the Maple Ridge subdivision developer will pay the County \$1500 per lot for the County's loss of utility service due to the development being located in the Town of Christiansburg. The total amount to be collected under the agreement is \$255,000. The total amount collected to date is \$42,000. On January 26, 2009 the Board of Supervisors appropriated \$12,000 of these funds. This resolution appropriates the balance.

Since 1997, the County has forgiven \$800,626 owed to the County from the PSA. This total includes \$142,050 from the incentive program which allowed the PSA to waive facility fees for

new customers for a specified time period. The County also provides the PSA with office space, utilities, Human Resources, County Attorney and Treasurer's office services at no cost.

B. SUBJECT: PROCLAMATION - AMERICAN HEART MONTH

**R-FY-09-
PROCLAMATION
DECLARE FEBRUARY
AMERICAN HEART MONTH**

WHEREAS, Montgomery County celebrates the extraordinary progress in heart health and recognizes that more needs to be done to safeguard our health for generations to come; and

WHEREAS, Heart disease is the number one killer of men and women in the United States; and

WHEREAS, Men and women can promote their own heart health and prevent disease and illness by taking steps to prevent and control the heart disease risk factors; and

WHEREAS, Keeping our families healthy and promoting awareness of health issues, including heart health, is an important responsibility and depends on the actions of each other, including organizations and groups within our communities; and

WHEREAS, Health remains a priority for families, communities, and government, and our commitment to keeping people healthy is stronger than ever; and

WHEREAS, The Heart Truth National Awareness and Prevention Campaign is building awareness of heart disease risk and empowering everyone to reduce their risk and prevent heart disease; and

WHEREAS, Our commitment to promoting a culture of healthy lifestyles is stronger than ever.

NOW, THEREFORE BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia do hereby proclaim February as American Heart Month and February 6, 2009 as Heart Health Awareness Day and encourage all employees to work together to promote and improve their health and increase their awareness and understanding of heart disease.

ISSUE/PURPOSE: Proclaim February as American Heart Month and February 6, 2009 as Heart Health Awareness Day.

JUSTIFICATION: The Heart Truth Campaign is a national awareness and prevention campaign about heart disease. In, 1994, President Bush issued an annual proclamation designating February as “American Heart Month”. Heart disease is the leading cause of death in the United States. It affects men and women of every age and race. During American Heart Month, all Americans are encouraged to join the fight against heart disease and learn more about how to prevent it.

XIII. COUNTY ATTORNEY’S REPORT

1. Issuance of General Obligation School Bonds – New Elliston-Lafayette and Shawsville Elementary School

XIV. COUNTY ADMINISTRATOR’S REPORT

1. Inmate Clean Up Project Update (TAB **H**)
2. Proposed MOU for Establishment of Regional 911 Authority (TAB **I**)

XV. BOARD MEMBERS’ REPORT

1. Supervisor Muffo
2. Supervisor Creed
3. Supervisor Brown
4. Supervisor Marrs
5. Supervisor Biggs
6. Supervisor Politis
7. Supervisor Perkins

XVI. OTHER BUSINESS

XVII. ADJOURNMENT

FUTURE MEETINGS

Special Meeting
Budget Work Session
Tuesday, February 10, 2009
6:00 p.m.

Adjourned Meeting
Monday, February 23, 2009
6:00 p.m. – Closed Meeting Items
7:15 p.m. Regular Agenda

Regular Meeting
Monday, March 9, 2009
6:00 p.m. – Closed Meeting Items
7:15 p.m. Regular Agenda